UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,352	07/11/2003	Motooki Sugihara	030843	1524

23850   7590   10/30/2007
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON, DC 20005

EXAMINER
WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/617,352	SUGIHARA, MOTOOKI
	Examiner	Art Unit
	Michael Y. Won	2155

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8 and 10-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8 and 10-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

         1.☒ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed September 6, 2007.

2.   Claims 1, 10, 12-14, and 18-20, have been amended and claims 4 and 9 have

been cancelled.

3.   Claims 1-3, 5-8, and 10-20 have been examined and are pending with this

action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-3, 5-7, and 10-20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Arellano et al. (US 6,694,482 B1).

INDEPENDENT:

As per **claim 1**, Arellano teaches a program drawing-up apparatus comprising:

a client control database storing client information on users (see col.9, lines 24-26: "repository for representations of each user' preferences");

a delivery request acquisition section for acquiring a delivery request from a client apparatus (see col.9, lines 10-12: "allows the end user and/or administrator to specify the user's interest");

a client information acquiring section that acquires the client information based on the delivery request (see col.9, lines 26-31: "Sensors provide the interaction data");

a contents data retrieval section for retrieving contents data according to the delivery request and the client information (see col.17, lines 14-16: "content model is required by a content assembly engine to put together a story tailored to a user's request and profile");

an auxiliary data generation section for generating auxiliary data to be delivered in combination with the contents data based on the retrieved contents data and the client information (see col.9, lines 60-63: "utilized by the Presentation Agent to generate a customized presentation"); and

a program drawing-up section for drawing up a program indicating the sequence of delivery of the contents data and the auxiliary data according to the delivery request (see col.9, lines 60-63: that is utilized by the Presentation Agent to generate a customized presentation; and col.10, lines 13-21: "Presentation Agent generates a presentation by design where the design is constrained by a narrative style").

As per **claim 12**, teaches a program drawing-up method comprising:

a step of registering client information on a user in advance (see col.17, lines 4-7:

"user's previous interaction history");

a step of acquiring a delivery request from a client apparatus (see col.9, lines 10-

12: "allows the end user and/or administrator to specify the user's interest");

a step of acquiring the client information based on the delivery request (see col.9,

lines 26-31: "Sensors provide the interaction data");

a step of generating auxiliary data to be delivered in combination with the

retrieved contents data based on the retrieved contents data and the client information

(see col.9, lines 60-63: "utilized by the Presentation Agent to generate a customized

presentation"); and

a step of drawing up a program indicating the sequence of delivery of the

contents data and the auxiliary data according to the delivery request (see col.9, lines

60-63: that is utilized by the Presentation Agent to generate a customized presentation;

and col.10, lines 13-21: "Presentation Agent generates a presentation by design where

the design is constrained by a narrative style").

As per **claim 18**, Arellano teaches a program (see col.8, lines 15-19: "software

infrastructure") providing method comprising:

a step of registering client information on a user in advance (see col.17, lines 4-7:

"user's previous interaction history");

a step of acquiring a delivery request from a client apparatus (see col.9, lines 10-

12: "allows the end user and/or administrator to specify the user's interest");

a step of acquiring the client information based on the delivery request (see col.9,

lines 26-31: "Sensors provide the interaction data");

a step of retrieving contents data according to the delivery request (see col.9,

lines 2-9: "enable the capture of relevant interaction data... ");

a step of generating auxiliary data to be delivered in combination with the

retrieved contents data based on the retrieved contents data and the client information

(see col.9, lines 60-63: "utilized by the Presentation Agent to generate a customized

presentation");

a step of drawing up a program indicating the sequence of delivery of the

contents data and the auxiliary data according to the delivery request (see col.9, lines

60-63: that is utilized by the Presentation Agent to generate a customized presentation;

and col.10, lines 13-21: "Presentation Agent generates a presentation by design where

the design is constrained by a narrative style"); and

a step for the client apparatus to receive the contents data delivered from the

contents delivery apparatus and the auxiliary data delivered from the program drawing-

up apparatus according to the sequence of delivery of the program (see col.8, lines 10-

12: "creating and delivering interactive multimedia applications and/or services").

DEPENDENT:

As per **claim 2**, which depends on claim 1, Arellano teaches of further

comprising: a program transmission section for transmitting the program drawn up by

the program drawing-up section to the client apparatus (see col.8, lines 10-12: "creating and delivering interactive multimedia applications and/or services").

As per **claim 3**, which depends on claim 1, Arellano teaches of further comprising: a contents transmission section for transmitting the contents data and the auxiliary data according to the delivery sequence drawn up by the program drawing-up section (see col.8, lines 10-12: "creating and delivering interactive multimedia applications and/or services").

As per **claim 4**, which depends on claim 1, Arellano teaches of further comprising:; wherein the contents data retrieval section retrieves contents data by identifying the user on the basis of the delivery request from the client apparatus, taking out information on the user from the client control data base and adding the taken out user information to the requirements of retrieval.

As per **claim 5**, which depends on claim 1, Arellano further teaches wherein the contents data retrieval section acquires data on the results of retrieval including information on the storage locations of the retrieved contents data (see Fig.7); and the program drawing-up section acquires the information on the storage locations of the contents data and information on the storage locations of the auxiliary data generated by the auxiliary data generation section and draws up a program (see claim 1 rejection above), sequentially arranging the pieces of information on the storage locations in the order of delivery (see col.18, lines 13-15: "hierarchal presentations"; and col.20, lines 6-8: "server would then assemble and generate a complete presentation and return HTML that would be rendered in the browser").

As per **claim 6**, which depends on claim 5, Arellano further teaches wherein the data on the results of retrieval include information on the storage locations of the contents data and contents profile information relating to the retrieved contents data (implicit: see col.19, lines 39-54: "client is bundled with both runtime engines... The story, content, and presentation database of user are remotely based"); and the auxiliary data generation section generates auxiliary data, utilizing the contents profile information (see col.9, lines 57-64: "The User Agent's user model is utilized in the selection process").

As per **claim 7**, which depends on claim 6, Arellano further teaches wherein the auxiliary data are narration data relating to the contents data; and the auxiliary data generation section generates narration data, utilizing the contents profile information (see col.9, lines 57-60: "The Story Agent... selects the appropriate content elements and collects and organizes these elements as prescribed by an appropriate class of narrative framework").

As per **claim 10**, which depends on claim 7, Arellano further teaches wherein the contents profile information contains strings of words such as attributes and keywords characterizing the contents (see col.17, lines 16-19: "semantically"); and the auxiliary data generation section has templates for specifying the structures of various narrations, narration parts data including set phrases and words to be put in each template (see col.17, lines 16-19: "semantically to form a story"), a narration control database for controlling the narration parts data and narration material data to be used

for preparing the narration parts data (see col.18, lines 6-21: "template... fine level of specification and control").

As per **claim 11**, which depends on claim 10, Arellano further teaches wherein the auxiliary data generation section generates the narration data by selecting a template suited for the delivery request from the client (see col.18, lines 6-21: "template... fine level of specification and control") and putting set phrase data and word data in the template on the basis of the contents profile information (see col.17, lines 16-19: "semantically to form a story").

As per **claim 13**, Arellano further teaches a program drawing-up computer program embodied in a recording medium in a manner readable by a computer, the program operating the computer as a program drawing-up apparatus according to claim 1 (see col.8, lines 15-19: "software infrastructure").

As per **claim 14**, Arellano further teaches a recording embodying a computer program in a manner readable by a computer, the program operating the computer as a program drawing-up apparatus according to claim 1 (see col.40, lines 5-7: "computer readable medium").

As per **claim 15**, Arellano further teaches a program providing system comprising:

a program drawing-up apparatus according to claim 1 (see claim 1 rejection above);

a contents delivery apparatus storing the contents data (see col.9, lines 2-5: "storage"); and

a client apparatus adapted to transmit a delivery request to the program drawing-up apparatus and receive contents data and auxiliary (see col.19 line 59-col.20, line 8).

As per **claim 16**, which depends on claim 15, Arellano further teaches wherein the program drawing-up apparatus transmits a program drawn up by way of the program drawing-up section in response to the delivery request from the client apparatus (see col.17, lines 14-16); and the client apparatus receives the contents data delivered from the contents delivery apparatus and the auxiliary data delivered from the program drawing-up apparatus according to the received program (see col.20, lines 6-8).

As per **claim 17**, which depends on claim 15, Arellano further teaches wherein the program drawing-up apparatus causes the contents data from the contents delivery apparatus and the auxiliary data from the auxiliary data generation section to be transmitted to the client apparatus according to the sequence of delivery of the program drawn up by the program drawing-up section in response to the delivery request from the client apparatus (see col.18, lines 13-15: "hierarchal presentations").

As per **claim 19**, Arellano further teaches a program providing computer program embodied in a recording medium in a manner readable by a computer, the program operating the computer as a program providing system according to claim 15 (see col.8, lines 15-19: "software infrastructure").

As per **claim 20**, Arellano further teaches recording medium embodying a computer program in a manner readable by a computer, the program operating the

computer as a program providing system according to claim 15 (see col.40, lines 5-7:

"computer readable medium").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano

et al. (US 6,694,482 B1) in view of Lewis (US 5,355,472 A).

Arellano teaches all the limitations of claim 8 including wherein the auxiliary data

are narration data also relating to a program (see col.10, lines 59-62). However,

Arellano does not explicitly teach a program prologue and a program epilogue.

Lewis teaches a program prologue and a program epilogue (see col.6, lines 4-8).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the system of Arellano in view of Lewis by implementing

a program prologue and a program epilogue. One would be motivated to do so

because Arellano teaches of a multimedia story. One of ordinary skill in the art knows

that stories often comprise prologue and epilogue.

Response to Arguments

6.   Applicant(s) arguments filed September 6, 2007 have been fully considered but they are not persuasive. The applicant(s) argue that Arellano does not teach that the generated auxiliary data "is also generated on client information. The applicant(s) seem to assert that because Arellano does not specifically state such limitation that it is not taught.

Arellano teaches of creating a delivering a <u>customized</u> presentation (emphasis added) of at least one multimedia story that is interactive, that dynamically adapts to the user, and that is developed based on a user model, wherein the user model represents interests and trends of the user (see abstract). Arellano further adds that the customized presentation is generated "where the at least one multimedia story allows for multiple presentations of the story" (see col.4, lines 55-58). Furthermore, Arellano teaches that the story is put together "tailored to a user's request and profile" (see col.17, lines 14-16). It is evident from these passages above that one of ordinary skill in the art would concur the limitation argued above, is clearly and explicitly taught by Arellano and is part of the novelty of his invention.

Conclusion

7.   For the reason above, claims 1-3, 5-8, and 10-20 have been rejected and remain pending.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Y. Won whose telephone number is 571-272-

3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

October 15, 2007